

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SHELBYDALE GORDON,

Plaintiff,

v.

MALKIT SINGH et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

Case No. CIV-23-862-G

ORDER

On December 22, 2023, the Court granted the Motion to Withdraw (Doc No. 11) filed by Plaintiff Shelbydale Gordon's former counsel Blake Beeler. *See* Order (Doc. No. 14). The Court directed Plaintiff to file an entry of appearance in this action, either through new counsel or pro se, no later than February 1, 2024. *See id.* at 2. Plaintiff did not do so, and the Court ordered Plaintiff to show cause for his failure to comply with the Court's directive no later than February 16, 2024. *See* Order to Show Cause (Doc. No. 17). The Court's Order prescribed that if Plaintiff did not show cause, "this action is subject to being dismissed without prejudice." *Id.* at 1.

As of this date, Plaintiff has not responded to the Court's Order to Show Cause or sought an extension of time to do so. Nor has Plaintiff entered an appearance, either through new counsel or pro se.

Under Federal Rule of Civil Procedure 41(b), if a plaintiff "fails to prosecute or to comply with these rules or a court order," the Court may dismiss the action. *See* Fed. R. Civ. P. 41(b). The Tenth Circuit "ha[s] consistently interpreted Rule 41(b) to permit courts

to dismiss actions sua sponte for a plaintiff's failure to prosecute." *Huggins v. Supreme Court of U.S.*, 480 F. App'x 915, 916-17 (10th Cir. 2012) (internal quotation marks omitted); *see also AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc.*, 552 F.3d 1233, 1236 (10th Cir. 2009) ("A district court undoubtedly has discretion to sanction a party for failing to prosecute or defend a case, or for failing to comply with local or federal procedural rules." (internal quotation marks omitted)). If the dismissal is without prejudice, the Court generally need not follow any "particular procedures" in entering the dismissal order. *AdvantEdge Bus. Grp.*, 552 F.3d at 1236.


Plaintiff's failure to prosecute this action and to comply with the Court's orders leaves the Court unable "to achieve an orderly and expeditious" resolution of this action. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962) (discussing the inherent power of a court to dismiss suits for lack of prosecution on its own initiative).

CONCLUSION

Accordingly, this action is DISMISSED WITHOUT PREJUDICE.

A separate judgment shall be entered.

IT IS SO ORDERED this 15th day of May, 2024.



CHARLES B. GOODWIN
United States District Judge